

Application Serial No. 09/886,169  
Response dated: October 18, 2006  
Reply to Office Action dated: April 18, 2006

### **REMARKS/ARGUMENTS**

Claims 1, 5, 10, 14-19 stand rejected under 35 U.S.C. § 102(e) and being anticipated by Maher, III et al. (U.S. Patent 6,381,242). This rejection is respectfully traversed.

The Examiner contends that Maher discloses the Applicant's invention. Previously, Applicant argued that Maher fails to disclose the Applicant's claimed invention, in particular that the step of indicating to the transfer component whether the code contains proscribed code is accomplished without transmitting said code to the transfer component.

The Examiner contends that Maher discloses transferring code from a storage component to a transfer component, contending that the packet loader 340 of Maher loads blocks of data from packet memory 112 to context buffers 342 for scanning engine interface 344. The Examiner also contends that Applicant's claimed step of transferring said code from the transfer component to a proscribed code scanner, is considered to be Maher's disclosure of a scanning engine 344 which sends a new context to content scanning engine 306, where the interface 344 is the interface between context engine 304 and content scanning engine 306 (referring, *inter alia*, to col. 9, lines 24-42.) The Examiner then attempts to conclude that the Applicant's step of "indicating, via said proscribed code scanner to said transfer component, whether said code contains proscribed code; and, without transmitting said code to said transfer component" is also

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disclosed by Maher's disclosure that the conclusion of the content scanning are then sent back to the scanning interface. (Citing to col. 9, line 58 – col. 10, line 13.) Applicant's invention is not disclosed by Maher, nor is it taught or suggested.

The Examiner considers the content scanning engine 306 of Maher to be the "proscribed code scanner" referred to in the Applicant's claims. However, the Examiner considers that the conclusion of the content scanning with the scanning engine 306 (which the Examiner considers to be a proscribed code scanner) is sent back to the transfer component (which the Examiner considers to be scanning interface 344).

Maher discloses that the content scanning interface sends a new context to string processor 360, when content scanning engine 306 has room for a new context to be scanned. It does not appear that Maher discloses the claimed invention of the Applicant. The Examiner's reference to the conclusion of the scanning engine 306 being sent back to the scanning interface 344 does not take into account that Maher is utilizing a conclusion reached by signature memory 366. (See col. 9, lines 43 – col. 10, line 9.) The Examiner however, in applying Maher, considered that the scanning engine 306 is the Applicant's proscribed code scanner. Applicant claims the steps of "transferring said code, from said transfer component, to a proscribed code scanner" and "indicating, via said proscribed code scanner to said transfer component". However, Maher's disclosure refers to a content scanning interface 344 (which the Examiner contends is the transfer component) and the conclusion reached by signature memory 366. Maher relies on the content scanning engine 306 (which the Examiner considers to be a proscribed code scanner). This disclosure of Maher therefore would not appear to be transferring from the transfer

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component to the "proscribed code scanner" and indicating via the "proscribed code scanner" to said transfer component. Rather the step of indicating to the transfer component would not appear to be disclosed by Maher, as is claimed by Applicant. Applicant's claimed steps of: "indicating, via said proscribed code scanner to said transfer component, whether said code contains proscribed code; and, without transmitting said code to said transfer component; and transferring said code to at least one secondary storage component based on said indication", are not disclosed or suggested by Maher.

Maher in order to accomplish the steps the Examiner appears to credit Maher with, would send the packet and conclusion for further processing. A reading of Maher discloses that Maher recites a transmit engine 352, stating that the data packet and the conclusion are sent to the transmit engine 352 for passing to QoS processor. (Col. 10 lines 3-5.) What is disclosed further, as an alternative to sending to the transmit engine 352, is that further processing is required and that the data packet needs to be forwarded to the microprocessor 124. ((Col. 10 lines 5-9.) In either case, Maher, unlike the Applicant's claimed invention, would disclose that the data packet itself (which the Examiner appears to correspond to the code referred to in the Applicant's claims) would be transmitted to a transfer component, whereas, in the Applicant's claimed invention, the indicating is done without transmitting the code to the transfer component. Therefore, for these additional reasons Maher fails to disclose the Applicant's claimed invention.

Claims 2, 3, 6, 7, 9, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maher, III et al. (U.S. Patent No. 6,381,242), in view of Bandini et al. (U.S. Patent Application No. 2002/0199095). This rejection is respectfully traversed.

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First, the Applicant's claimed invention should be patentable for the same reasons as those advanced in connection with the Maher reference.

Second, even the further combination of Bandini with Maher, still fails to teach, suggest or disclose the Applicant's claimed invention. Bandini refers to a predetermined data from a SPAM database which is shared between two local SPAM databases. This would not appear to disclose the Applicant's invention. Furthermore, there is no motivation in Maher to combine multiple local databases. However, even if Bandini were to be combined with Maher, as the Examiner proposes to do, the Applicant's invention would not be taught. The passages of Bandini relied on by the Examiner read as follows:

[0014]A second e-mail relay 36 is coupled to the public network 44. the second e-mail relay 36 is associated with a second enterprise 33, including a local e-mails server 35. the structure and operation of the second e-mail relay36 and the second local network are preferably similar to that of corresponding elements of the first local network.

\* \* \*

[0040] In another embodiment, the first e-mail relay 46 cooperated with the second e-mail relay 36 to share data from the SPAM database 37, 45. Accordingly, the first e-mail relay 46 and the second e-mail relay 36 exchange data so as to synchronize the SPAM data stored in each of the local SPAM databases 37, 45. As may be appreciated, the exchange of data allows for a recently operational e-mail relay to benefit from the data gathered by another previously operating e-mail relay. The sharing of SPAM data allows for increased detection of SPAM messages such as when the first e-mail relay provides SPAM data to the second e-mail relay prior to the corresponding SPAM messages arriving at the second e-mail relay, thereby allowing the second e-mail relay to intercept the corresponding SPAM messages by employing the shared data. Preferably, the exchange of SPAM data between e-mail relays is part of an agreement between entities to share efforts in preventing the reception of SPAM. In another embodiment, the exchange of SPAM

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data is by e-mail relays associated with a single organization or set of related organizations, such as affiliated companies.

(Bandini, pars. [0014] and [0040])

Even if this teaching could be applied to Maher, the claimed language of the Applicant's claims appears to call for transfer to a subsequent code transfer storage component. Bandini recites an exchange of data between two local SPAM databases for synchronizing the SPAM databases. Maher does not provide a reason or motivation to apply an exchange of data from the two local databases, as Bandini discloses.

Claims 4, 8, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maher, III et al. (U.S. Patent No. 6,381,242), in view of Bandini et al. (U.S. Patent Application No. 2002/0199095), and further in view of Card et al. (U.S. Patent No. 6,941,478). This rejection is respectfully traversed.

For the same reasons set forth above, the Applicant's claimed invention should be patentable over Maher and Bandini, even in view of the further combination of the card reference.

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Reconsideration and a withdrawal of the rejection are respectfully requested.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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